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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

18 IBIZ, LLC, a California Limited Liability  
19 Company,

) Case No: CV 13-1537 SC

) **STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE DATE OF**

) Current Hrg.: \_\_\_\_\_

) Hrg. Date: August 9, 2013  
Hrg. Ti: 10:00

} Hrg. Time: 10:00 a.m.  
} Location: Courtroom 1, 17th

**Location:** Crtrm. 1, 17th Floor

) Judge: Samuel Conti

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) Proposed New Hrg.:  
H. R. No. 22-2

) Hrg. Date: Nov. 22, 2013  
)) Hrg. Time: 10:00 a.m.

20 Plaintiff,

21 || VS.

22 CITY OF HAYWARD, a California  
municipal corporation.

23 || Defendant

COME NOW PLAINTIFF IBIZ AND DEFENDANT CITY AND STIPULATE AS FOLLOWS:

1 Per this Court's Minute Order (Doc. 43) issued on July 18, 2013, the Case Management  
2 Conference in this case is currently set for August 9, 2013 and the Case Management Conference  
3 Statement is due on August 2, 2013.

4 The parties mutually request that the Court continue the Case Management Conference to  
5 November 22, 2013, and that the filing date for the Case Management Conference Statement be  
6 continued to November 15, 2013. This request is made for the following reasons:

7 (1) The significant orders recently issued by the Court in both this case and the related case  
8 of Net Connection, Hayward, LLC v. City of Hayward, N.D.Cal. No. 12-cv-1212 SC,  
9 are being evaluated by the Hayward City Council. However the Hayward City Council  
10 is in its annual recess period and will not reconvene until September 17th. Until it does  
11 so, neither the City nor Plaintiff will be able to assess the future of this case.  
12 Accordingly, they would mutually prefer to postpone the Case Management Conference  
13 until they have a reasonable understanding of the City's considered response to the  
14 Court's Orders. Moreover, it is not clear whether the City Council will address this  
15 issue immediately at that first session or will be prepared to resolve its position on this  
16 issue at that time. Thereafter, Plaintiff would need time to assess any position taken by  
17 the City before determining how it wants to proceed in this litigation.

18 (2) Depending upon the outcome of its talks with the City, Plaintiff is not presently sure  
19 whether it will be necessary to amend its pleadings before proceeding with its  
20 prosecution of this case.

21 For each of these reasons, the parties believe that a continuance of the Case  
22 Management Conference until November 22, 2013, would be in the best interests of both sides and  
23 would be the most efficient and economical way to proceed. The parties have checked with this  
24 Court's clerk and confirmed that November 22, 2013, would be an available date for the continued  
25 hearing.

26 **STIPULATION**

27 Subject to the approval of the Court, the parties, by and through their counsel of record,  
28 HEREBY STIPULATE, that the Case Management Conference herein be continued to November

1 22, 2013, at 10:00 a.m. or what ever other time is convenient for the Court, and that the filing date  
2 for the Joint Case Management Conference Statement be continued to November 15, 2013.

3  
4 DATED: August 2, 2013

John H. Weston  
G. Randall Garrou  
Jerome Mooney  
WESTON, GARROU & MOONEY

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6  
7 By: /s/ G. Randall Garrou  
8 G. Randall Garrou  
9 Attorneys for Plaintiff IBIZ LLC

10 DATED: August 2, 2013

MICHAEL S. LAWSON, CITY ATTORNEY

11  
12 By: /s/ Michael G. Vigilia  
13 MICHAEL G. VIGILIA  
14 Assistant City Attorney, City of Hayward  
15 Attorney for Defendant, City of Hayward

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17  
18  
19  
20 **ORDER**

21 Based on the stipulation of the parties, and good cause appearing therefore, the Case  
22 Management Conference herein is hereby continued to November 22, 2013, at 10:00 a.m. and the  
23 filing date for the Joint Case Management Conference Statement is continued to November 15,  
24 2013.

25  
26 **IT IS SO ORDERED.**

27  
28 DATED: 08/05/2013

